

**Proposed Regulation for Mandatory Commercial Recycling  
45-day Public Comment Period  
Comment Matrix**

Comment Number	Commenter Affiliation	Summary of Comment	CalRecycle Response	Revision Needed
W-01-01	California Association of REALTORS®, Apartment Association of Greater Los Angeles, San Diego County Apartment Association and Santa Barbara Rental Property Association	A financial hardship exemption is necessary to assure that the regulations do not adversely and unfairly impact small, minority and family-owned businesses.	CalRecycle disagrees that this change is needed. Jurisdictions may provide for exemptions that meet their local situations. CalRecycle does not have the authority to require that jurisdictions must implement a financial hardship exemption as is being suggested.	No
W-01-02		Owners should not be held responsible for the actions of their tenants who may not comply with recycling regulations.	No change is needed because the regulation does not make owners responsible for enforcing.	No
W-01-03		When developing compliance criteria for enforcement programs, a jurisdiction must consider a multi-family complex owner's effort to comply with recycling requirements.	CalRecycle disagrees that this change is needed. The regulation states that enforcement is permissive but not required. Jurisdictions are also provided the ability to offer exemptions as they deem appropriate. CalRecycle does not have the authority to require that jurisdictions enact enforcement programs or that they consider or include the exemptions or criteria that are being suggested. CalRecycle will review, through the annual report process, exemptions that are provided by jurisdictions. This oversight should help to ensure that challenges that multifamily owners face are adequately addressed.	No
W-02-01	Los Angeles County Solid Waste Management Committee/ Integrated Waste Management Task Force and Council Member, City of Rosemead	<i>Business</i> - The proposed definition should exclude industry facility/industrial facilities.	CalRecycle disagrees that this change is needed. Industrial waste is already excluded in the definition of commercial solid waste. However, industrial facilities that generate recyclables, such as paper, metal, etc., are included in the definition of businesses. CalRecycle will develop a FAQ to provide this guidance.	No

W-02-02		<i>Commercial Solid Waste</i> - The proposed definition is inconsistent with the one called for by the AB 341 [PRC 42649.1 (b)].	CalRecycle disagrees that this change is needed, but to provide more clarity agrees to add a phrase that industrial waste is excluded, consistent with the PRC.	Yes (non-subst.)
W-02-03		<i>Mixed Waste Processing</i> - The term "processing" needs to be defined. Is processing limited only to physical separation or waste materials or does it include chemical, biological, or any combination of these processes?	CalRecycle disagrees that a definition of "processing" is needed. This provision refers to material recovery and mixed waste facilities that typically use physical means of separation (such as manual, mechanical, optical, etc.), not chemical or biological processing.	No
W-02-04		<i>Source Separating</i> - Does the process include removal of all or some of the recyclable materials, or is it limited only to those materials listed in the jurisdiction's Source Reduction and Recycling Element, the local agency's recycling ordinance, or other undefined programs?	To allow maximum flexibility for businesses and jurisdictions, the regulation does not set a specified amount or type of recyclables including compostables. The regulation does allow jurisdictions to determine specific material types. The amount or type of recyclables removed is not limited to a jurisdiction's Source Reduction and Recycling Element or recycling ordinance.	No
W-02-05		<i>Mixed Waste Processing</i> - Requirement is self-contradictory since mixed waste processing does not yield diversion results that are comparable to source separation. There is no baseline to compare results; proposal must clearly define how to measure so that jurisdictions are not penalized.	<p>CalRecycle will revise this section to reflect the exact language in AB 341 in order to avoid the impression that it is somehow changing the standard in statute. However, as explained below, the additional language in the previous draft that resulted in this comment was not intended to change the standard in statute, but was simply designed to reflect the reality of how this requirement would be implemented.</p> <p>Subsection (a)(2) specifies a method that a business may take to meet the requirement of this Chapter to recycle the business's commercial solid waste: by subscribing to a recycling service that may include mixed waste processing that diverts recyclable and/or compostable materials from disposal, yielding diversion results comparable to source separation.</p> <p>In reality, however, there is not sufficient data or standards available to make a comparison to source separation, and therefore CalRecycle is not establishing such a threshold at this time. The language in the existing statute has been interpreted differently by various stakeholders regarding whether or not it establishes a particular threshold for mixed waste processing. On its</p>	Yes (non-subst.)

		<p>face, the statute clearly does not do so. Instead, statute has provided a subjective standard to be evaluated on a case-by-case basis that allows flexibility for compliance. While Subsection 42649.2(b)(2) allows for a recycling service that may include mixed waste processing comparable to source separation as part of that recycling service, by using the term “may” instead of “shall” in this section, it does not require it. That is, mixed waste processing is not necessarily required and therefore a recycling service can include other programmatic aspects. Thus, the recycling service may include more than just mixed waste recycling (consistent with the “may” in statute), but also emphasizes the need for the overall recycling service to yield comparable results to the other compliance alternative in (b)(1) (source separation). Mixed waste processing is intended here to include a myriad of processes to recover recyclable and/or compostable materials from solid waste. This Subsection is not intended to change marketplace dynamics or express a preference for any particular diversion activity, program or process over another. It is intended to provide local governments with flexibility in designing programs specific to their community.</p> <p>While no single quantitative recovery rate standard exists, the section does establish an expectation that overall diversion results from a recycling service that includes mixed waste processing, and that may include other programs and activities, will be comparable to the overall diversion results of recycling services that rely on source-separated processing of recyclables, and that may also include other programs and activities. In lieu of a quantitative standard, CalRecycle will review jurisdiction compliance on a case-by-case basis using the “good faith effort” standard as already provided in statute (See PRC 41825(e)). As part of its evaluation of local jurisdiction program implementation, the diversion performance of a particular facility may be considered by CalRecycle to see if the facility’s recovery appears to be significantly low (also see section 18839(b)). In this case CalRecycle would</p>
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W-02-06		<p>“...front-end methods or programs to remove all recyclable materials from the waste stream prior to transformation to the maximum extent possible” change possible to feasible to be consistent w/PRC 41783(a)(2)</p>	<p>CalRecycle agrees and has revised the regulation accordingly.</p>	<p>Yes (non-Subst.)</p>

W-02-07		Proposed regulations must clearly recognize that a jurisdiction has no means to enforce the requirements of this Section on public entities, including, but not limited to, federal, state, and regional governments, school districts, state colleges, and universities, etc.	CalRecycle disagrees that this change is needed. The regulations state that enforcement by jurisdictions is permissive but not required. In addition, CalRecycle recognizes that jurisdictions do not have authority to take enforcement actions against schools. However, jurisdictions are required to provide education and outreach to public entities and monitor if they are recycling. This is further addressed in both the FSOR and FAQs. Jurisdictions are only required to provide education, outreach and monitoring to these entities to inform them of the state law to recycle and how they can recycle in the jurisdiction.	No
W-02-08		The difference between a mixed waste processing facility and a MRF needs to be defined.	CalRecycle disagrees that this change is needed because it would be impossible to account for the range of variability in processing facilities and the distinction is not necessary for understanding the regulation. For example, many MRFs use a variety of technology and many MRFS take in many different variations of single streams and mixed solid waste, e.g., wet/dry streams, mixed solid waste, etc. (see CalRecycle's 2006 MRF study for more information on this wide variety).	No
W-02-09		Expand to include the availability of composting facilities and markets for compost.	CalRecycle disagrees that this change is needed. Section 18839(b)(5) addresses the availability of markets in general and that would take into account availability of markets for organics materials. CalRecycle will develop a FAQ to further clarify that consideration of organics markets is included. No change is necessary to the regulations.	No
W-02-10		Proposed regulations need to address the processes that may be used by CalRecycle to verify the accuracy of the "information" received prior to subjecting the jurisdiction to additional tasks.	CalRecycle disagrees that this change is needed. This provision simply clarifies that CalRecycle is using the same process that has been used for the AB 939 reviews for many years.	No

W-03-01	Harvest Power	As CalRecycle progresses through the regulatory process, anaerobic digestion, as well as composting, is called out as an accepted and recommended diversion method. It would be helpful if AD could be added to the list of acceptable alternatives: "reuse, recycle, compost, anaerobically digest, or otherwise divert..."	CalRecycle disagrees that this change is needed. The regulation is designed so it does not state a preference for any type of waste diversion technology. The regulation states in general that businesses may utilize a variety of actions to reuse, recycle, compost, or otherwise divert commercial solid waste from disposal. CalRecycle will include a FAQ that clarifies that various technologies, such as anaerobic digestion, windrow composting, etc., are technologies that can be utilized to divert commercial solid waste.	No
W-03-02		CalRecycle should encourage communities to implement a mandatory commercial organics recycling ordinance, in addition to other recyclables. This will better enable communities and the state to meet and exceed the 75% diversion rate with appropriate technologies and processes.	CalRecycle disagrees that this change is needed. CalRecycle will share examples of communities that implement mandatory commercial organics recycling ordinances and continue to promote organics diversion using a variety of approaches, as well as best management practices to maximize diversion.	No
W-03-03		In providing direction to local agencies on enforcement and compliance with Section 18837(a)(2), CalRecycle should encourage attention to the superior diversion results achievable with source separation of organics. -- MCR regulation includes use of mixed waste processing facilities if alone or in combination with other programs...yields diversion results comparable to source reduction, but they find such programs to have high contamination of organics.	CalRecycle disagrees that this change is needed. CalRecycle continues to promote organics diversion using a variety of approaches, as well as best management practices to maximize diversion. CalRecycle will continue to provide information, tools and outreach on this topic. The regulation is designed to provide businesses and jurisdiction flexibility in designing programs that best meet their needs, infrastructure and resources.	No
W-04-01	CA Restaurant Association	Will CalRecycle promulgate rules that hold building owners accountable for commercial recycling services? Building owners control waste services for an enormous number of retail stores in CA. To hold companies responsible for waste they do not control is unreasonable.	CalRecycle concludes that no additional rule is needed, because the regulation already requires businesses (including property complexes containing two or more entities and multi-family complexes) to provide a recycling program for tenants. Tenants are responsible for participating in the recycling program.	No
W-04-02		Many buildings lack space to recycle materials. The regulations should provide exemptions for tenants where the building owner cannot or will not provide space for recycling services.	CalRecycle disagrees that this change is needed. The regulations already provide local jurisdictions with the ability to assess and determine the need for exemptions, including for space constraints. Local jurisdictions would work with tenants and building owners to assess space constraints. CalRecycle does not have the authority to require that jurisdictions must consider or include the	No

			exemptions or criteria that are being suggested.	
W-04-03		National retailers cannot implement a "one size fits all approach" to recycling due to variability in recycling and waste collection across jurisdictions (e.g., materials accepted). We hope CalRecycle rules will clearly acknowledge these gaps to facilitate not only customer education but also help retailer partner's (employees) education and compliance activities.	CalRecycle concurs that maximum flexibility and customer education are critical but disagrees that a change is needed. The regulation already is designed to provide maximum flexibility to businesses and local jurisdictions due to the variability in infrastructure, markets, etc. CalRecycle will continue to provide education and assistance to businesses and jurisdictions to help them implement a recycling program that best meets their needs.	No
W-04-04		Request that CalRecycle clearly delineate what criteria will be used to determine compliance when using a mixed waste processing facility.	See Comment W-02-05	No
W-04-05		Many restaurant patrons enjoy their food and beverages at work, home and in location other than our stores. We have found residential and commercial recycling programs are incongruent. How or will the rulemaking process address these issues?	CalRecycle disagrees that this change is needed. This regulation only addresses solid waste generated at the business. CalRecycle can develop a FAQ that addresses that the regulation is focused on diverting the recyclable material that the business would have disposed of.	No
W-04-06		Suggest CalRecycle include formal language in the rules that encourage local jurisdictions to provide a substantial grace period for enforcement. An extension of the education-only enforcement period would be helpful.	CalRecycle disagrees that this change is needed. The regulation already allows local jurisdictions the flexibility to phase in program implementation. This is also addressed in the FSOR and FAQs. Additionally, jurisdictions are not required to implement an enforcement program. For those jurisdictions that do implement enforcement, CalRecycle's experience has been that these jurisdictions focused first on education and did not immediately begin enforcement efforts when their mandatory program started.	No
W-05-01	Allan Company	Change Chapter 9.4 heading to "Mandatory Commercial Recycling of Commercial Solid Waste" to be consistent with AB 341	CalRecycle does not see the need to change the title of the regulation. This issue was discussed during the informal rulemaking and at that time CalRecycle decided to change the heading of Subsection 18837 to "Mandatory recycling of commercial solid waste by businesses."	No

W-05-02		Change the first sentence of the Purpose to "mandatory commercial recycling of commercial solid waste" to be consistent w/AB341	CalRecycle does not see the need to change the purpose statement of the regulation.	No
W-05-03		Definition of "self-hauler" or "self-hauling" to be consistent w/AB341. Suggests: "Self-hauler" or "self-hauling" means a business that <del>transports</del> <u>hauls</u> its own commercial solid waste and/or <del>recyclables</del> <u>recyclable materials</u> rather than contracting with a <del>hauler</del> for that service.	CalRecycle disagrees that this change is needed. CalRecycle considers the words "transport" and "haul" to be equivalent, but is using transport to avoid confusion with other uses of the term "hauling." CalRecycle added the word "recyclables" to clarify the provisions in PRC 42649.2(b)(1), which refer to self-hauling of recyclables.	No
W-05-04		Definition for source separation differs from that in 14 CCR 17402.5(b)(4) -- recommend that this be revised to either include reference to the existing definition of source separated found at CCR 17402.5(b)(4) or include the entire existing definition. Suggests: 18837(a)On or after July 1, 2012, a business shall take at least one of the following <del>actions in order to reuse, recycle, compost, or otherwise divert commercial solid waste from disposal.</del> (1) Source <u>separate</u> <del>separating</del> recyclable and/or <del>compostable</del> materials from solid waste <del>they are discarding and either self-hauling, subscribing</del> <u>subscribe to a hauler, and/or basic level of recycling service that includes collection, self-hauling, or other arrangements</u> <del>otherwise arranging</del> for the pick-up of the recyclable and/or <del>compostable</del> materials <del>separately from the solid waste to divert them from disposal.</del>	CalRecycle disagrees that this change is needed because the two definitions do not conflict with each other. 14 CCR 17402.5(b)(4) is written within the context of determining whether a processing facility needs a solid waste facility permit, which is not applicable to businesses' determining how to comply with the requirements.	No
W-05-05		Recommend changes to bring proposed regulation text into conformity with statute. Suggests: 18837(e) This <del>Chapter Subsection</del> does not modify, <u>limit</u> , or abrogate in any manner any of the following: <u>(3)The existing right of a business to sell or donate its recyclable materials; or (4)</u>	Although it is not necessary to repeat statute verbatim, CalRecycle agrees that the provision in AB 341 should be included in this section to avoid creating the impression that the regulation is not consistent with statute. CalRecycle also will develop a FAQ to clarify that businesses are still allowed to donate or sell their recyclables as stated in statute.	Yes (non-subst.)
W-05-06		Definitions for self-hauler or self-hauling in 18836 and 18837 are inconsistent with AB341 - regulations cannot restrict or enlarge the scope of a statute.	CalRecycle disagrees that this change is needed. See responses to Comment W-05-03.	No



W-06-01	Association of CA Recycling Industries	Urge CalRecycle to eliminate any reference to exclusive recycling franchise agreements for commercial and multifamily property owners -- as proposed, they would act as a disincentive to the recycling of these materials because of the consequential loss of their economic value. Local jurisdictions should be encouraged to promote free market competition for recyclables	CalRecycle disagrees that this change is needed re: franchise agreements. Many jurisdictions have exclusive franchise agreements and allow self-hauling and independent recycling, but as stated in the FSOR, the regulations do not specify a preference for any type of recycling activity or system. It is not in CalRecycle's purview to limit jurisdictions' ability to utilize franchises, etc. The regulation addresses the flexibility that businesses have to utilize a variety of recycling activities.	No
W-07-01	Californians Against Waste	The regulation currently allows businesses to comply with the program by “subscribing to a service that includes mixed waste processing alone or in combination with other programs, activities or processes that divert recyclable and/or compostable materials from disposal, and yielding diversion results comparable to source separation.” This is substantively different and weaker than the language in AB 341, which allows businesses to “subscribe to a recycling service that may include mixed waste processing that yields diversion results comparable to source separation”. The language in the regulation and ISOR might be interpreted to be weaker than the language in statute. For instance, statute requires that the business subscribe to a “recycling service,” which would not include a transformation facility. Furthermore, the broader “systems” approach described in the regulation might imply that a generator may do something other than that which is allowed in statute.	See response to Comment W-02-05.	Yes (non-subst.)

W-07-02		<p><i>Transformation</i> –PRC 40180 states "recycling does not include transformation" Section 18837(e)(3) of the regulation accurately, but unnecessarily, states that the regulation does not modify existing statutory requirements for transformation facilities. In describing this section, the ISOR says that "Subsection (e)(3) clarifies that interpretation of the provisions of Public Resources Code section 41783 are not affected by this regulation. <u>Commercial solid waste may be taken to a transformation facility, as long as the existing requirement in Public Resources Code section 41783 for front-end processing to remove recyclable materials to the maximum extent feasible is met. For example front-end processing includes source-separating recyclables or processing material at a mixed waste processing facility.</u> The subsection clarifies that there is no change to the existing provisions of section 41783 of the Public Resources Code related to transformation that allow jurisdictions to reduce their per-capita disposal rate by no more than 10 percent."</p> <p>This sends a confusing mixed message about whether a business needs to subscribe to recycling if its garbage goes to one of the state's three transformation facilities.</p>	CalRecycle disagrees that this change is needed. As noted by the commenter, the regulation is accurate. In addition, the regulation clarifies that a business does need to subscribe to a recycling service and that materials sent to one of the state's three transformation facilities must meet the front-end processing requirements.	No
W-07-03		<p>The CERF factor does not properly account for the greenhouse gas benefits of composting the organic fraction of the commercial waste stream because it does not attribute any benefit to avoided landfill emissions. Therefore, the CERF understates greenhouse gas benefits of composting.</p>	This comment is outside the scope of the regulation.	No
W-07-04	Nick Lapis with CAW: Verbal comment received 1/17/2012	<p>18837e3</p> <p>Transformation provisions – While regulations are admittedly accurate, need to clarify that generators still need to comply with regulations, i.e., to source-</p>	CalRecycle disagrees that this change is needed, but added a phrase to provide clarity.	Yes (non-subst.)

		separate or subscribe to recycling service. PRC 40180 states "recycling does not include transformation"		
W-08-01	City of San Jose	Do condominium, townhomes, and mobile home parks that use individual carts rather than bins for solid waste and recycling need to be monitored and reported under this bill?	Statute and the regulation give jurisdictions flexibility to design their own program so no change is necessary to the regulation. CalRecycle will develop a FAQ clarifying that if condominiums, townhomes, and mobile homes are considered single family residences by the jurisdictions, then they would not be subject to the requirements. However, jurisdictions are allowed to implement more stringent requirements.	No
W-08-02		Proposed regulation indicates that public entities, including schools, special districts or a federal, state local, regional agency or facilities are included in the definition of a business. How will a jurisdiction enforce AB 341 with these entities when they have no means to enforce over these entities?	See response to Comment W-02-07.	No
W-08-03		Is there a difference between MRF and mixed waste processing facility? The definitions should be clarified to indicate this.	See responses to Comments W-02-08	No
W-08-04		Confirm that industrial wastes will not be included as a part of this requirement and the definitions should be clarified to explicitly exclude this.	See responses to Comments W-02-01 and W-02-02	Yes (non-subst.)—W-02-02 No—W-02-01
W-08-05		Is reporting outreach & good-faith efforts required when jurisdiction diversion is 75% or more? Is outreach to be directed at only those businesses and multi-family dwellings regulated?	Nothing in statute or the regulation relieves a jurisdiction of its obligations once it exceeds a certain level of diversion. CalRecycle will develop a FAQ clarifying that whether a jurisdiction has exceeded the 50% diversion requirement, or has exceeded 75%, it is still required to report on its education/outreach/monitoring efforts relative to commercial recycling in its electronic annual report, in addition to reporting on other AB 939 programs.	No

W-08-06		Will jurisdictions need to report a total number for businesses & multi-family dwellings regulated or only for those not in compliance?	The regulation does not need to be specific on this point because of the flexibility allowed in statute and regulation. What is reported will depend on the information that the jurisdiction has available based upon the program it has developed. Ideally, it would be helpful if the jurisdiction knows how many total businesses are included and how many are not recycling.	No
W-08-07		Need to define <i>mixed waste processing</i> . What source separation rate is used for comparison? "Subscribing to a recycling service that includes mixed waste processing as part of a system in combination with other programs..." What is meant by "as part of a system in combination...?"	See responses to Comments W-02-05	No
W-09-01	American Forest & Paper Association	Request CalRecycle encourage jurisdictions to avoid relying on exclusive franchise agreements or requirements that business recyclables be diverted to mixed waste processing facilities that could interfere with markets for recovered paper.	See response to Comment W-06-01	No
W-09-02		Supports CalRecycle's efforts to focus on recycling education & outreach to businesses and has helpful related resources.	No response needed.	No
W-10-01	Cal Chamber, CA Grocers Assn, CA League of Food Processors, and CA Manufacturers & Tech Assn.	Suggest an extension of the education-only enforcement period.	CalRecycle disagrees that this change is needed. The regulation already allows local jurisdictions the flexibility to phase in program implementation. This is also addressed in the FSOR and FAQs. Additionally, jurisdictions are not required to implement an enforcement program. For those jurisdictions that do implement enforcement, CalRecycle's experience has been that these jurisdictions focused first on education and did not immediately begin enforcement efforts when their mandatory program started.	No
W-10-02		A clarification on what constitutes <i>comparable</i> , w/respect to mixed waste processing, would assist businesses in compliance with the regulation.	See responses to Comments W-02-05	No
W-11-01	SWANA	<i>Business</i> - The proposed definition should exclude industry facility/industrial facilities to be consistent w/17225.12 of title 14	See response to Comment W-02-01	No

W-11-02		<i>Commercial Solid Waste</i> - The proposed definition is inconsistent with the one called for by the AB 341 [PRC 42649.1 (b)] - should exclude "industrial waste"	See response to Comment W-02-02	Yes (non-subst.)
W-11-03		<i>Mixed waste processing</i> - clarify if "processing" includes chemical, biological or a combination	See response to Comment W-02-03	No
W-11-04		<i>Source separation</i> should include removal of compostable materials. Also, does it require removal of all or some recyclables or just jurisdiction's SRRE or recycling ordinance	See response to Comment W-02-04	No
W-11-05		18839(b)(2) Material recovery facility should be defined – specifically, clarification is needed to determine whether there is a difference between material recovery facility and mixed waste processing facility?	See response to Comment W-02-08	No
W-11-06		Mixed waste processing does not yield comparable diversion as source separation - should provide guidance on how to enforce	See response to Comment W-02-05	No
W-11-07		"...front-end methods or programs to remove all recyclable materials from the waste stream prior to transformation to the maximum extent possible" change possible to feasible to be consistent w/PRC 41783(a)(2)	See response to Comment W-02-06	Yes (non-subst.)
W-11-08		Jurisdictions have no means to enforce requirements of this section on public entities	See response to Comment W-02-07	No
W-11-09		Expand to include availability of composting facilities and markets for compost	See response to Comment W-02-09	No
W-11-10		Address process for CalRecycle verification of accuracy of information received.	See response to Comment W-02-10	No

W-12-01	Waste Management	Single stream vs. mixed waste processing – inconsistency with AB341 and regulation. Specifically, "...mixed waste processing must achieve diversion results comparable to source reduction processing - NOT that the overall recycling service (that may include mixed waste processing) that yields diversion results comparable to source separation." There is no standard or procedure for comparability" between mixed waste and single stream processing.	See responses to Comment W-02-05	No
W-12-02		18838(b) – request that language be changed to be consistent with statute, i.e., to include "to go through either a source separated or".....	CalRecycle agrees with the proposed revision because it more closely mirrors statute.	Yes (non-subst.)
W-12-03		If a business collecting street sweepings generally has 3 cubic yard bin refuse service, but sometimes has a 6 cubic yard bin and street sweepings are not in the covered materials by the local jurisdiction, is the business expected to recycle them?	It is not necessary for the regulation to address all wastestreams, and the regulation allows jurisdictions to address issues such as street sweepings in their individual programs. The diversion of street sweepings will depend on if there are programs that the business can utilize, such as composting. CalRecycle will add a FAQ that addresses businesses that generate street sweepings. The FAQ will address that the business will need to coordinate with the local jurisdiction.	No
W-13-01	American Biogas	As CalRecycle progresses through the regulatory process, anaerobic digestion, as well as composting, is called out as an accepted and recommended diversion method. It would be helpful if AD could be added to the list of acceptable alternatives: "reuse, recycle, compost, anaerobically digest, or otherwise divert..."	See response to Comment W-03-01	No
W-13-02		Anaerobic digestion, as well as composting, should be specifically called out as an accepted and recommended diversion method.	See response to Comment W-03-01	No

W-13-03		CalRecycle should encourage attention to the superior diversion results achievable with source separation of organics. -- MCR regulation includes use of mixed waste processing facilities if alone or in combination with other programs...yields diversion results comparable to source reduction, but they find such programs to have high contamination of organics.	CalRecycle disagrees that this change is needed. The regulation is designed to provide businesses and jurisdiction flexibility in designing programs that best meet their needs, infrastructure and resources. CalRecycle will continue to promote various approaches to diverting organic materials.	No
W-14-01	West Coast Chapter of the Institute of Scrap Recycling Industries	Without clarity, jurisdictions and businesses will not have a clear and consistent understanding as to how businesses may divert their non-discarded recyclable material to independent recycling services rather than to haulers.	See response to Comment W-05-05	Yes (non-subst.)
W-14-02		No authority to mandate diversion of compostables; remove from regulation.	CalRecycle does have authority to include compostables as Statutes added to the Code by AB341 contemplate composting as an element of this program and its goals.	No
W-14-03		Change to "Mandatory Recycling of Commercial Solid Waste" to be consistent w/AB341	See responses to Comments W-05-01 and W-05-02	No
W-14-04		Definition of "source separating" inconsistent w/Title 14 Section 17402.5(4)	See response to Comment W-05-04	No
W-14-05		Definition of "self hauler" or "self hauling" to be consistent w/AB341	See response to Comment W-05-03	No
W-14-06		Right to sell or donate inconsistent w/AB341	See response to Comment W-05-05	Yes (non-subst.)
W-15-01	City of Sunnyvale	MRF - "SMaRT" diversion is at 19%, soon to be 25%; proof that mixed waste processing can provide compliance.	No response needed; the comment states that mixed waste processing can and should be included as an option for jurisdictions.	No
W-16-01	Gaia Strategies/InSinkErator	Regulation should reflect a positive consideration of the past, present and future use of food waste disposer in both multi-family residences and food service establishments. Also provided LCA of food scraps & UK policy statement re disposer use.	CalRecycle disagrees that this change is needed. The regulations are designed to not state a preference for any type of waste diversion technology.	No
W-17-01	CCRA	Supports as described	No response needed	No

W-18-01	ESJPA	Suggests that evaluation of good faith efforts in 18839(c) also reference the requirements of PRC 41850 that identifies additional parameters related to good faith efforts.	CalRecycle disagrees that this change is needed because it is already included through statute. Staff will develop a FAQ that addresses the fact that CalRecycle's review of a jurisdiction's compliance will be done as part of its review of the jurisdiction's AB 939 programs pursuant to PRC 41825. As part of that AB 939 program review the good faith effort determination is based upon the parameters identified in PRC 41850, and PRC 42649.3(i) also provides additional parameters related to good faith effort for assessing implementation of each jurisdiction's selected commercial recycling program.	No
W-18-02		Monitoring of all businesses would require additional staff resources, which is not feasible; especially since most jurisdictions have had to reduce staff during these economic times. Proposed language in 18838(a) is intended to allow jurisdictions to implement programs that meet local needs and work within existing infrastructures and resources. ESJPA has discussed with CalRecycle alternative strategies for rural areas that include requesting businesses to self report compliance, phased in implementation, and that a jurisdiction can still achieve compliance or good faith efforts even if it cannot demonstrate that all businesses have been monitored.	No specific change is being requested. Jurisdictions are allowed the flexibility to design and implement programs that meet local needs, infrastructure and resources. Rural areas may have unique approaches for monitoring businesses and CalRecycle will continue to work with the ESJPA and rural jurisdictions to develop approaches that are appropriate for rural areas, including the development of a model rural commercial education, outreach, and monitoring program.	No
W-19-01	Contract Services Admin Trust Fund	Motion Picture Association of America requests CalRecycle adopt a regulation that recognizes the difficulty of recycling at remote locations.	CalRecycle disagrees that this change is needed. CalRecycle recommends that it be a standard practice for a company to contact the local jurisdiction in advance of when a remote shoot is located to assess what material can be readily recycled and what cannot. Local jurisdictions are accustomed to short duration events due to their experience working with large venue events.	No



W-19-02		<p>Logistical problems may be encountered in location shooting; suggest amending the definition of business to exempt from the requirement to contract with a waste hauler with mixed waste processing for waste generation that occurs off-site or that is short-term in duration.</p>	<p>CalRecycle disagrees that this change is needed. Statute does not allow CalRecycle to preclude certain businesses from recycling. Amending the definition to exempt the requirement to recycle would discourage any attempt at recycling in these situations. CalRecycle understands the potential challenges of this situation and will develop a FAQ and guidance for local jurisdictions so they are aware of these potential situations with remote sites.</p>	No
W-20-01	<p>Michael Theroux, Teru Talk Public Hearing, 12/13/11</p>	<p>There aren't enough composters (facilities) to manage the increase in the amount of compostables, specifically commercially collected and managed manures and bedding materials, anticipated by this regulation.</p>	<p>While there is some extra capacity at a statewide level in the existing composting infrastructure, there may be regional demands for expanded capacity to handle commercially collected organics. CalRecycle acknowledges that additional facilities are needed to manage manure and bedding materials from horse breeding operations. Development of additional facilities to handle organic materials is not within the scope of this regulatory package, so no changes are necessary. CalRecycle is considering policies and programs to facilitate development of additional facilities, but in public discussions separate from this rulemaking.</p>	No